

REMARKS

Claims 13-14 and 16 are rejected under 35 USC § 102(e) as being anticipated by Osborne. The examiner believes Osborne teaches compositions comprising dissolved and microparticulate pharmaceuticals and that semi-solids and microcrystalline dapsone is disclosed.

Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention. *RCA Corp., v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

New claim 13 is now directed to a solid pharmaceutical composition. Further, it is stated that the other phase contains an active ingredient and an additive which is supported by the statements on page 2, lines 37 and 38 of the specification. Osborne relates to a pharmaceutical carrier system comprising a dermatological composition that is a semi-solid aqueous gel, see for e.g., column 2, lines 67-69. The semi-solid gel includes inter alia a polymer thickener, water and a solvent or mixed solvent system, see column 4, lines 7-11.

Amended claim 13's pharmaceutical composition is not a semi-solid composition. It is a solid composition which does not contain water or a solvent or mixed solvent system. The lack of water, solvent or solvent system is expressed by the features "solid" and "in the form of a solid solution."

For the reasons expressed above, it is urged that the prior art references cited by the examiner either singly or in combination fail to anticipate or suggest the present invention as defined by the amended claims. Accordingly, a *prima facie* case of obviousness has not been established by the examiner, and the rejection under 35

USC § 103 should be withdrawn.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such account.

Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read 'Daniel S. Kim', written over the printed name.

Daniel S. Kim
Reg. No. 51,877

1350 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100
DSK/lc